

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THE UNITED STATES OF AMERICA	:	No. 3:19cv1824
ex rel DIVYAKANT PATEL and	:	
HARSHAD PATEL,	:	(Judge Munley)
Plaintiffs/Relators	:	(Magistrate Judge Bloom)
v.	:	
THE FIDELITY DEPOSIT & DISCOUNT	:	FILED
BANK, FIDELITY D&D BANKCORP,	:	SCRANTON
INC., ANKIM M. SHAH, MARINA	:	JUN 11 2024
CAPITAL LLC, 1101 NORTHERN	:	
BOULEVARD LLC,	:	PER <u>DJ</u>
Defendants	:	DEPUTY CLERK

ORDER

Presently before the court is the Report and Recommendation ("R&R") of Magistrate Judge Daryl F. Bloom recommending that dismissed Defendant Fidelity D&D Bancorp, Inc's ("Bancorp") motion to impose False Claims Act prevailing party fees on the Patel Plaintiffs be denied without prejudice. (Doc. 136). No objections to the R&R have been filed and the time for such filing has passed.

In deciding whether to adopt the report and recommendation when no timely objection is filed, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b), 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy

itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

In the present R&R, Magistrate Judge Bloom noted that, under the law, a fee petitioner must submit evidence supporting the hours worked and the rates claimed and, in support of the instant motion, Bancorp failed to do so. Accordingly, the magistrate judge recommended denying the motion without prejudice so that Bankcorp may have the opportunity to present supporting evidence. After review, the court thus finds neither clear error on the face of the record nor a manifest injustice, and therefore, the court shall accept the R&R and adopt it in its entirety. It is hereby **ORDERED** as follows:

- 1) The R&R (Doc. 136) is **ADOPTED** in its entirety; and
- 2) Bancorp's motion to impose False Claims Act prevailing party fees on the Patel Plaintiffs (Doc. 123) is **DENIED** without prejudice.

Date:

6/11/24

BY THE COURT:
JUDGE JULIA K. MUNLEY
United States District Court